



U.S. Department of Justice

*United States Attorney's Office
District of Delaware*

*Nemours Building
1007 Orange Street, Suite 700
P.O. Box 2046
Wilmington, Delaware 19899-2046*

*(302) 573-6277
FAX (302) 573-6220*

June 28, 2006

Mr. Neil Looby
Deputy Clerk
United States District Court
844 King Street
Wilmington, Delaware 19801

Re: **United States v. Norman Barrett**
Criminal Action No. 05-67-KAJ

Dear Deputy Clerk Looby:

Enclosed is page 6 of the Honorable Kent A. Jordan's Judgment and Commitment Order regarding the above-captioned sentencing. The second paragraph addresses the costs of prosecution and orders the United States Attorney's Office to submit a bill of costs to the Clerk of the Court. With this letter the United States Attorney's Office reports that the costs of prosecution in this case are zero.

Judge Jordan's Order, as it relates to the costs of prosecution, cites to 28 U.S.C. § 1920.¹ "Section 1920 applies not only in civil but also criminal cases. Absent explicit statutory or contractual authorization to the contrary, federal district courts may tax as costs only those expenses listed in § 1920." *United States v. Hiland*, 909 F.2d 1114, 1142 (8th Cir. 1990) (citations omitted).

¹ Section 1920 reads as follows:

A judge or clerk of any court of the United States may tax as costs the following:

1. Fees of the clerk and marshal;
2. Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
3. Fees and disbursements for printing and witnesses;
4. Fees for exemplification and copies of papers necessarily obtained for use in this case.
5. Docket fees under section 1923 of this title;
6. Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

Mr. Neil Looby
June 28, 2006
Page 2

In the instant matter, no such fees as specified in § 1920 were incurred during the prosecution of the case. Accordingly, the bill of costs is zero.

Please contact me if you have any questions.

Very truly yours,

COLM F. CONNOLLY
United States Attorney

By: 

Edmond Falgowski
Assistant United States Attorney

pc: Charles M. Oberly, III, Esquire

EF:slb
Enclosure

DEFENDANT: NORMAN WILLIAM BARRETT
CASE NUMBER: 1:05CR00067-001 (KAJ)

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

1. The defendant shall make restitution to Internal Revenue Service in the amount of \$111,640. This amount will be reduced by any payments the defendant has made toward this debt. The defendant shall make restitution payments from any wages he may earn in prison in accordance with the Bureau of Prisons Financial Responsibility Program. Any portion of the restitution that is not paid in full at the time of the defendant's release from imprisonment shall become a condition of supervision. Payments during supervised release shall be made in monthly installments of not less than \$500, to be collected by the U.S. Probation Office for transfer to the Internal Revenue Service.
2. Pursuant to 26 U.S.C. § 7201, 28 U.S.C. §§ 1918 and 1920 and U.S.S.G. § 5E1.5, it is the Order of the Court that the defendant pay the costs of prosecution in this case. The Court further orders that the United States Attorney's Office submit a bill of costs to the Clerk of Court. The defendant is permitted to contest the costs. If the Clerk approves the costs, the defendant is given the opportunity to appeal the Clerk's determination to the Court. The Court will then make the final determination of the costs.